

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 04004

WHEREAS, Stone Bridge Creek, LLC has submitted an application designated as Special Permit No. 04004 for authority to develop Stone Bridge Creek Community Unit Plan for 759 dwelling units, and to waive the requirement to submit a preliminary plat, to increase lot depth to width ratio, to allow double frontage lots, and to delay the filing of a use permit, on property generally located at N. 14th Street and Arbor Road, and legally described to wit:

Lots 1 through 27, Block 1, Lots 1 through 29, Block 2, Lots 1 through 10, Block 3, Lots 1 through 4, Block 4, Outlots H and J, Stone Bridge Creek Addition, Lots 1 through 9, Block 1, Lot 1, Block 2, Lots 1 through 15, Block 3, Lots 1 and 2, Block 4, Lots 1 through 11, Block 5, Lots 1 through 16, Block 6, Lot 1, Block 7, Lots 1 through 10, Block 8, Lots 1 through 9, Block 9, and a portion of Outlot C, Stone Bridge Creek 1st Addition, Lots 1 through 25 and Lots 31 through 36, Block 1, Lots 1 through 28, Block 2, and Lots 1 through 20, Block 3, Stone Bridge Creek 2nd Addition, Lots 1 through 14, Block 1, Lots 1 through 30, Block 2, Lots 1 through 28, Block 3, Lots 1 through 29, Block 4, Lots 1 through 24, Block 5, Lots 1 through 16, Block 6, Lots 1 through 32, Block 7, Outlots A, B, and C, Stone Bridge Creek 3rd Addition and all of Stone Bridge Creek 4th Addition and a portion of Lot 43 Irregular Tract, located in the Northwest Quarter, the Northeast Quarter and the Southwest Quarter of Section 36, Township 11 North, Range 6 East of the 6th P.M., and also located in the Southwest Quarter of Section 25, Township 11 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, and being more fully described as follows:

Referring to the northwest corner of said Section 36; thence north 00 degrees 05 minutes 17seconds east (an assumed bearing) on the west line of the Southwest Quarter of said Section 25, 59.59 feet; thence south 89 degrees 54 minutes 36 seconds east, 33.00 feet to the point of beginning; thence south 89 degrees 28 minutes 59 seconds east, 1,161.57 feet; thence easterly on a 1,615.00 foot radius curve to the left, an arc length of 171.26 feet (long chord bears north 87 degrees 28 minutes 45 seconds east, 171.18 feet); thence continuing easterly on a 1,615.00 foot radius curve to the left, an arc length of 485.70 feet (long chord bears north 75 degrees 49 minutes 32 seconds east, 483.87 feet); thence south 22 degrees 47 minutes 25 seconds east, 120.00 feet; thence south 00 degrees 31 minutes 01 seconds west, 301.58 feet; thence south 44 degrees 28 minutes 59 seconds east, 84.85 feet; thence south 89 degrees 28 minutes 59 seconds east, 156.00 feet; thence south 00 degrees 31

1 minutes 01 seconds west, 110.00 feet; thence south 22 degrees 05
2 minutes 53 seconds east, 64.53 feet; thence south 00 degrees 33
3 minutes 49 seconds west, 371.46 feet; thence south 77 degrees 59
4 minutes 20 seconds east, 128.89 feet; thence south 74 degrees 02
5 minutes 14 seconds east, 73.12 feet; thence south 49 degrees 12
6 minutes 00 seconds east, 73.12 feet; thence south 24 degrees 21
7 minutes 47 seconds east, 73.12 feet; thence south 00 degrees 28
8 minutes 27 seconds west, 73.12 feet; thence south 20 degrees 37
9 minutes 10 seconds west, 45.71 feet; thence south 35 degrees 35
10 minutes 58 seconds west, 315.45 feet; thence south 45 degrees 45
11 minutes 02 seconds west, 114.16 feet; thence south 55 degrees 21
12 minutes 53 seconds west, 60.85 feet; thence south 45 degrees 45
13 minutes 02 seconds west, 211.12 feet; thence south 10 degrees 17
14 minutes 23 seconds east, 410.75 feet; thence south 49 degrees 59
15 minutes 06 seconds west, 428.44 feet; thence westerly on a
16 1,500.00 foot radius curve to the right, an arc length of 1,056.15 feet
17 (long chord bears south 70 degrees 09 minutes 21 seconds west,
18 1,034.47 feet); thence north 89 degrees 40 minutes 23 seconds
19 west, 220.73 feet; thence continuing westerly on said line, 101.99
20 feet; thence westerly on a 1,000.00 foot radius curve to the right, an
21 arc length of 123.52 feet (long chord bears north 86 degrees 08
22 minutes 05 seconds west, 123.44 feet); thence westerly on a
23 1,000.00 foot radius curve to the left, an arc length of 122.11 feet
24 (long chord bears north 86 degrees 05 minutes 40 seconds west,
25 122.03 feet); thence north 89 degrees 35 minutes 33 seconds west,
26 100.00 feet; thence north 00 degrees 21 minutes 14 seconds east,
27 2,646.75 feet; thence north 00 degrees 05 minutes 24 seconds east,
28 60.00 feet to the point of beginning, containing 5,300,254 square
29 feet (121.67 acres) more or less;

30 WHEREAS, the real property adjacent to the area included within the site plan for
31 this community unit plan will not be adversely affected; and

32 WHEREAS, said site plan together with the terms and conditions hereinafter set
33 forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote
34 the public health, safety, and general welfare.

35 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,
36 Nebraska:

37 That the application of Stone Bridge Creek, LLC, hereinafter referred to as
38 "Permittee", to develop Stone Bridge Creek Community Unit Plan for 759 dwelling units on the
39 property legally described above, be and the same is hereby granted under the provisions of

1 Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that
2 construction and operation of said community unit plan be in strict compliance with said application,
3 the site plan, and the following additional express terms, conditions, and requirements:

4 1. This permit approves:

5 a. 759 dwelling units and the following variances to the Land
6 Subdivision Ordinance and Design Standards:

7 i. A waiver of the maximum 3 to 1 lot depth to width ratio as
8 shown on the site plan.

9 ii. A waiver of the prohibition against double frontage lots to
10 allow double frontage lots along Alvo Road.

11 iii. A waiver of the requirement that a use permit accompany the
12 filing of the preliminary plat for the property zoned B-2
13 Neighborhood Business District to allow the use permit to be
14 filed later.

15 b. A waiver of the requirement that the Permittee submit a preliminary
16 plat is waived, except that this waiver of the preliminary plat shall only be effective for a period of
17 ten years from the date of the this approval, and shall be of no force or effect thereafter. If any final
18 plat on all or a portion of the approved community unit plan is submitted five years or more after
19 the effective date of the community unit plan, the City may require that a new community unit plan
20 be submitted, pursuant to all the provisions of Section 26.31.015. A new community unit plan may
21 be required if the subdivision ordinance, the design standards, or the required improvements have
22 been amended by the city; and as a result, the community unit plan as originally approved does not
23 comply with the amended rules and regulations.

24 2. Before receiving building permits:

25 a. The Permittee must submit an acceptable, revised and reproducible
26 final plan including seven copies.

- 1 b. The construction plans must conform to the approved plans.
- 2 c. Final plats within this community unit plan must be approved by the
- 3 Planning Director.

4 3. Final Plats will be approved by the Planning Director after:

- 5 a. The Permittee has completed or posted a surety to guarantee the
- 6 completion of the sidewalks, streets, drainage facilities, street
- 7 lighting, landscape screens, street trees, temporary turnarounds and
- 8 barricades, and street name signs.
- 9 b. The Permittee has signed an agreement that binds the subdivider,
- 10 its successors and assigns:
- 11 i. To complete the street paving of all streets shown on the
- 12 final plat within two years following the approval of the final
- 13 plat.
- 14 ii. To complete the installation of sidewalks along both sides of
- 15 all streets, along the south side of Alvo Road, and along the
- 16 east side of N. 14th Street as shown on the final plat within
- 17 four years following the approval of the final plat.
- 18 iii. To complete the installation of sidewalks in the pedestrian
- 19 way easements shown on the final plat at the same time as
- 20 adjacent streets are completed.
- 21 iv. To complete the public water distribution system to serve this
- 22 plat within two years following the approval of the final plat.
- 23 v. To complete the public wastewater collection system to serve
- 24 this plat within two years following the approval of the final
- 25 plat.
- 26 vi. To complete the enclosed drainage facilities shown on the
- 27 approved drainage study to serve this plat within two years
- 28 following the approval of the final plat.
- 29 vii. To complete land preparation including storm water
- 30 detention/retention facilities and open drainageway
- 31 improvements to serve this plat prior to the installation of
- 32 utilities and improvements but not more than two years
- 33 following the approval of the final plat.

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- viii. To complete the installation of public street lights within this plat within two years following the approval of the final plat.
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- ix. To complete the planting of street trees within this plat within four years following the approval of the final plat.
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- x. To complete the planting of the landscape screen within this plat within two years following the approval of the final plat.
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- xi. To complete the installation of the street name signs within two years following the approval of the final plat.
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- xii. To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
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- xiii. To complete the public and private improvements shown on the Community Unit Plan.
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- xiv. To retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the Subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The Subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
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- xv. To submit to the lot buyers and home builders a copy of the soil analysis.
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- xvi. To pay all design, engineering, labor, material, inspection, and other improvement costs.
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- xvii. To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
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- xviii. To construct the sidewalk in the pedestrian way easements in block 2, 3, 7, 11, at the same time as adjacent streets are paved and to agree that no building permit shall be issued for construction on Lots 18, 19, 28 and 29, Block 2, Lots 21, 22,

34 and 35, Block 3, Lots 10, 11, 28 and 29, Block 7, and Lots 13 and 14, Block 11, until such time as the sidewalk in the pedestrian way easement is constructed.

xix. To perpetually maintain the sidewalks in the pedestrian way easements at their own cost and expense.

xx. To protect the trees that are indicated to remain during construction and development.

xxi. To properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the Permittee.

xxii. To relinquish the right of direct vehicular access from Lots 7-36, Block 1, Lots 1-19, Block 2, and Outlot E, to N. 14th Street and Lots 19-29, and Lot 48, Block 2, Lots 1, 25-27 and 53-55, Block 12, and Outlots A, B, and J, to Alvo Road.

xxiii. To timely complete the public and private improvements and facilities required by Chapter 26.23 of the Land Subdivision Ordinance which have not been waived including but not limited to the list of improvements described above.

xxiv. To post the required security to guarantee completion of the required improvements if the improvements are not completed prior to approval of the final plat.

4. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans.

5. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established association of property owners approved by the City Attorney.

6. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report

1 violations to the City Council which may revoke the special permit or take such other action as may
2 be necessary to gain compliance.

3 8. The Permittee shall sign and return the City's letter of acceptance to the City
4 Clerk within 30 days following approval of the special permit, provided, however, said 30-day period
5 may be extended up to six months by administrative amendment. The City Clerk shall file a copy
6 of the resolution approving the special permit and the letter of acceptance with the Register of
7 Deeds, filing fees therefor to be paid in advance by the Permittee.

8 9. The site plan approved with this resolution voids and supersedes all
9 previously approved site plans, however all resolutions approving previous permits remain in force
10 unless specifically amended by this resolution.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2004:

Mayor